



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 2215

PERMIT 3149

APPLICATION 5877

Notice of Assignment (Over)

THIS IS TO CERTIFY, That **G. H. Barton**
Herse Creek, California

has made proof to the satisfaction of the Division
of Water Resources of California of a right to the use of the waters of **two (2) unnamed springs in**
Siskiyou County

tributary of **Klamath River**

for the purpose of **domestic and irrigation uses**

under Permit **3149** of the Division of Water Resources and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources
and the terms of the said permit; that the priority of the right herein confirmed dates from **April 10, 1928,**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed **sixteen thousand two hundred**
(16,200) gallons per day from about April 1st to about October 1st of each season
and throughout the remainder of the year as required for domestic purposes. The
total amount of water diverted under this license together with that diverted under
Application 5878, License 2216, shall not exceed **twenty-seven thousand (27,000)**
gallons per day.

The points of diversion of such water are located **(1) South three hundred ninety (390)**
feet and West twenty-six hundred forty (2640) feet, and **(2) South eleven hundred**
fifty (1150) feet and West twenty-six hundred forty (2640) feet, both from the
Northeast corner of Section 22, T 46 N, R 10 W, M.D.B.A.M., being within the NW $\frac{1}{4}$
of NE $\frac{1}{4}$ of said Section 22.

A description of the lands or the place where such water is put to beneficial use is as follows: **Domestic use**
and irrigation of 2 acres within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15, T 46 N, R 10 W, M.D.B.A.M.,
and domestic use within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 15.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Division of Water Resources in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the Division of Water Resources.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of
diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes of 1913, as amended, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that at any time after the expiration of twenty years after the granting of a license, the state or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and provided, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public

Works of the State of California, this 22d

day of May, 1941.

EDWARD HYATT
State Engineer

By

Harold Conkling
Deputy



7/25/52

RECEIVED NOTICE OF ASSIGNMENT TO

Partial Peter H. Malloy

10/19/54

RECEIVED NOTICE OF ASSIGNMENT TO

Jointly Peter H. Malloy
to Margaret R. Patterson

12-2-60

RECEIVED NOTICE OF ASSIGNMENT TO

of Int. of Margaret R.
Patterson to E. A. + V. E. Edwards dba
Horse Creek Store and C. J. Barton

3-12-70

Records chgd to show Walter Mayemoff,
Max Hughes, Thurman W. + Irene E. Moore,
as owners,

12-22-75
STORE

ASGD TO JAMES A. + MARY LEE REA DBA HORSE CREEK

3-5-86

Ownership chgd to James A. Rea

LICENSE 2215

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO C. H. Barton

DATED May 22, 1941

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